IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.39667-M of 2006

DATE OF DECISION: SEPTEMBER 11, 2006

Swaran Singh and others

.....PETITIONERS

VERSUS

State of Punjab and others

.....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr.Kanwaljit Singh, Advocate,
for the petitioners.
Mr.N.S.Gill, AAG, Punjab.
Mr.R.S.Ghuman, Advocate,
for respondent No.2.

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The petitioners have filed this petition under Section 482 Cr.P.C for quashing FIR No.15 dated 20.4.1989 registered under Sections 323, 324 and 34 IPC at Police Station Subhanpur, District Kapurthala.

2. I have heard the counsel for the parties.

3. In this case, on the statement of respondent No.2, the aforesaid FIR was registered against the petitioners. It has been alleged that petitioners No.1 and 2 mostly stay in Canada and they have been visiting this country occasionally. Subsequently, the petitioners were served through proclamation under Sections 82/83 Cr.P.C. The statement of Constable Natha Singh was recorded separately, who had stated that the accused had absconded and probably gone to some foreign country. Vide order dated 6.7.1992 passed by the JMIC, Kapurthala, the petitioners were declared proclaimed offenders. Thereafter, with the intervention of the

respectables, the matter has been compromised between the parties. A copy of the compromise has been placed on record as Annexure P-5. Reply by way of affidavit of Ajit Singh (complainant) has also been placed on record in which it has been stated that since the dispute between the parties has been resolved amicably in writing with the intervention of the respectables, he has no objection in case the aforesaid FIR is quashed. It is pertinent to mention here that the aforesaid offences are compoundable.

4. In view of the above, I am of the opinion that since the dispute between the parties has been resolved amicably and the matter pertains to old one, therefore, in the interest of justice and to maintain harmony and to provide opportunity to the parties to live peacefully, ends of justice will be met if the FIR in question is quashed as no useful purpose will be served in continuing with the proceedings.

5. Hence, this petition is allowed and FIR No.15 dated 20.4.1989 registered under Sections 323, 324 and 34 IPC at Police Station Subhanpur, District Kapurthala and subsequent proceedings arising therefrom are hereby quashed in the interest of justice.

September 11, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE